

**§ 76.2 Scope.**

The regulations in this part apply only to those portions of the Portsmouth and Paducah Gaseous Diffusion Plants leased by the Corporation, per the Lease Agreement between the Department of Energy and the United States Enrichment Corporation. This part also gives notice to all persons who knowingly provide to the Corporation or any contractor, or subcontractor any components, equipment, materials, or other goods or services that relate to the activities subject to this part that they may be individually subject to NRC enforcement action for violation of § 76.10.

**§ 76.4 Definitions.**

As used in this part:

*Act* means the Atomic Energy Act of 1954 (68 Stat 919), and includes any amendments to the Act.

*Administrative controls* means the provisions relating to organization and management, procedures, record-keeping, review and audit, and reporting necessary to ensure operation of the plant in a safe manner.

*Agreement State* means any State with which the Commission has entered into an effective agreement under subsection 274b. of the Act.

*Non-Agreement State* means any other State.

*Alert* means events may occur, are in progress, or have occurred that could lead to a release of radioactive material[s] but that the release is not expected to require a response by an offsite response organization to protect persons offsite.

*Atomic energy* means all forms of energy released in the course of nuclear fission or nuclear transformation.

*Certificate of compliance or certificate* means a certificate of compliance issued pursuant to this part.

*Classified matter* means documents or material revealing classified information.

*Commission* means the Nuclear Regulatory Commission or its duly authorized representatives.

*Common defense and security* means the common defense and security of the United States.

*Compliance plan* means a plan for achieving compliance approved pursuant to this part.

*Corporation* means the United States Enrichment Corporation (USEC), or its successor, a Corporation that is authorized by statute to lease the gaseous diffusion enrichment plants in Paducah, Kentucky, and Piketon, Ohio, from the department of Energy, or any person authorized to operate one or both of the gaseous diffusion plants, or other facilities, pursuant to a plan for the privatization of USEC that is approved by the President.

*Department and Department of Energy (DOE)* means the Department of Energy established by the Department of Energy Organization Act (Pub. L. 95–91, 91 Stat. 565, 42 U.S.C. 7101 *et seq.*), to the extent that the Department, or its duly authorized representatives, exercises functions formerly vested in the U.S. Atomic Energy Commission, its Chairman, members, officers and components and transferred to the U.S. Energy Research and Development Administration and to the Administrator thereof pursuant to Sections 104(b), (c), and (d) of the Energy Reorganization Act of 1974, as amended, (Pub. L. 93–438, 88 Stat. 1233 at 1237, 42 U.S.C. 5814) and retransferred to the Secretary of Energy pursuant to Section 301(a) of the Department of Energy Organization Act (Pub. L. 95–91, 91 Stat. 565 at 577–578, 42 U.S.C. 7151).

*Depleted uranium* means the byproduct residues from the uranium enrichment process in which the concentration of the isotope U<sub>235</sub> is less than that occurring in natural uranium.

*Director* means the Director, or his or her designee, of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission.

*Effective dose equivalent* means the sum of the products of the dose equivalent to the body organ or tissue and the weighting factors applicable to each of the body organs or tissues that are irradiated, as defined in 10 CFR Part 20 (§§ 20.1001 through 20.2402).

*Effective kilograms of special nuclear material* means:

(1) For uranium with an enrichment in the isotope U-235 of 0.01 (1 percent) and above, its element weight in kilograms multiplied by the square of its

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enrichment expressed as a decimal weight fraction; and

(2) For uranium with an enrichment in the isotope U-235 below 0.01 (1 percent), its element weight in kilograms multiplied by 0.0001.

*Formula quantity* means strategic special nuclear material in any combination in a quantity of 5000 grams or more computed by the formula, grams = (grams contained U-235) + 2.5(grams U-233+grams plutonium).

*Lease Agreement* means the agreement entered into as of July 1, 1993, and any subsequent revisions between the United States Department of Energy and the United States Enrichment Corporation.

*Limiting conditions for operation* means the lowest functional capability or performance levels of structures, systems, components, and their support systems required for normal safe operation of the plant.

*Limiting control settings* means settings for automatic alarm or protective devices related to those variables having significant safety functions.

*National Security Information* means information that has been determined pursuant to Executive Order 12356 or any predecessor order to require protection against unauthorized disclosure and that is so designated.

*Person* means:

(1) Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government Agency other than the Commission or the Department, except that the Department shall be considered a person within the meaning of the regulations in this part to the extent that its facilities and activities are subject to the licensing and related regulatory authority of the Commission pursuant to Section 202 of the Energy Reorganization Act of 1974, as amended, (88 Stat. 1244); any State or any political subdivision of or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and

(2) Any legal successor, representative, agent, or agency of the foregoing.

*Process* means a series of actions that achieves an end or result.

*Produce*, when used in relation to special nuclear material, means:

(1) To manufacture, make, produce, or refine special nuclear material;

(2) To separate special nuclear material from other substances in which such material may be contained; or

(3) To make or to produce new special nuclear material.

*Radioactive material* means source material, special nuclear material, or by-product material, possessed, used, transferred, or disposed of under part 76.

*Restricted Data* means all data concerning design, manufacture or utilization of atomic weapons, the production of special nuclear material, or the use of special nuclear material in the production of energy, but does not include data declassified or removed from the Restricted Data category pursuant to Section 142 of the Act.

*Safety limits* means those bounds within which the process variables must be maintained for adequate control of the operation and that must not be exceeded in order to protect the integrity of the physical system that is designed to guard against the uncontrolled release of radioactivity.

*Sealed source* means any radioactive material that is encased in a capsule designed to prevent leakage or escape of the radioactive material.

*Security facility approval* means that a determination has been made by the NRC that a facility is eligible to use, process, store, reproduce, transmit, or handle classified matter.

*Site area emergency* means events may occur, are in progress, or have occurred that could lead to a significant release of radioactive material and that could require a response by offsite response organizations to protect persons off-site.

*Source material* means source material as defined in Section 11z. of the Act and in the regulations contained in part 40 of this chapter.

*Special nuclear material* means:

(1) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the

provisions of Section 51 of the Act, determines to be special nuclear material, but does not include source material; or

(2) Any material artificially enriched in any of the foregoing, but does not include source material.

*Special nuclear material of low strategic significance* means:

(1) Less than an amount of special nuclear material of moderate strategic significance, as defined in this section, but more than 15 grams of uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope), or 15 grams of uranium-233, or 15 grams of plutonium, or the combination of 15 grams when computed by the equation, grams = (grams contained U-235) + (grams plutonium) + (grams U-233); or

(2) Less than 10,000 grams but more than 1000 grams of uranium-235 (contained in uranium enriched to 10 percent or more but less than 20 percent in the U-235 isotope), or

(3) 10,000 grams or more of uranium-235 (contained in uranium enriched above natural but less than 10 percent in the U-235 isotope).

*Special nuclear material of moderate strategic significance* means:

(1) Less than a formula quantity of strategic special nuclear material but more than 1000 grams of uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope), or more than 500 grams of uranium-233 or plutonium, or in a combined quantity of more than 1000 grams when computed by the equation, grams = (grams contained U-235) + 2 (grams U-233 + grams plutonium); or

(2) 10,000 grams or more of uranium-235 (contained in uranium enriched to 10 percent or more but less than 20 percent in the U-235 isotope).

*Special nuclear material scrap* means the various forms of special nuclear material generated during chemical and mechanical processing, other than recycle material and normal process intermediates, which are unsuitable for use in their present form, but all or part of which will be used after further processing.

*Strategic special nuclear material* means uranium-235 (contained in uranium enriched to 20 percent or more in

the U-235 isotope), uranium-233, or plutonium.

*Surveillance requirements* means requirements relating to test, calibration, or inspection to ensure that the necessary quality of systems and components is maintained, that plant operation will be within the safety limits, and that the limiting conditions of operation will be met.

*Unclassified Controlled Nuclear Information* is information whose unauthorized dissemination is prohibited under Section 148 of the Atomic Energy Act.

*United States*, when used in a geographical sense, includes Puerto Rico and all territories and possessions of the United States.

*Unreviewed safety question* means a change which involves any of the following:

(1) The probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the safety analysis report may be increased;

(2) A possibility for an accident or malfunction of a different type than any evaluated previously in the safety analysis report may be created; or

(3) The margin of safety as defined in the basis for any technical safety requirement is reduced.

[59 FR 48960, Sept. 23, 1994, as amended at 62 FR 6669, Feb. 12, 1997]

#### § 76.5 Communications.

Except where otherwise specified, all communications and reports concerning the regulations in this part and applications filed under them should be sent as follows:

(a) By mail addressed to: ATTN: Document Control Desk, Director, Division of Nuclear Security, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001;

(b) By hand delivery to the NRC's offices at 11555 Rockville Pike, Rockville, Maryland; or

(c) Where practicable, by electronic submission, for example, Electronic Information Exchange, or CD-ROM. Electronic submissions must be made in a manner that enables the NRC to receive, read, authenticate, distribute, and archive the submission, and process and retrieve it a single page at a